

REMARKS

Applicants respectfully request reconsideration of the present application in view of the above amendments and the reasons which follow. Claims 1, 2, 4, 5, 11, 14, 15, and 16 have been amended, and claims 17 through 27 have been newly added. No new matter has been added. Claims 1-27 are pending in this application.

Abstract

Applicants have amended the abstract to avoid legal phraseology, and submit that the abstract is in proper form.

Rejection under 35 U.S.C. § 112, first paragraph

Claim 5 stands rejected under 35 U.S.C. 112, first paragraph. Specifically, the Office Action alleged that the term “memory tally” is not described in the specification. Applicants have amended claim 5 to replace “memory tally” with “running total”, and submit that the rejection under 35 U.S.C. 112, first paragraph has been overcome. Support for this amendment can be found at least on page 6, paragraph 24.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-2, 4, 11 and 14 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite. Applicants have amended the claims to address the concerns of the Examiner, and submit that the claims as amended are definite under 35 U.S.C. 112, second paragraph. With respect to the rejection of claim 14, Applicants note that under standard claim drafting practice, “an” means one or more. However, Applicants have amended this claim to improve its readability.

Rejections under 35 U.S.C. § 102

Claims 1-16 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication #2002/0107832 A1 to Shimizu et al. (hereafter “Shimizu”). Applicants traverse these rejections for at least the following reasons.

Independent claim 1 is directed to a method for storing memory card usage information on a memory card. The method comprises the steps of collecting information about usage of the memory card, recording the information about usage in an area of the memory card; and accessing the information about usage. By contrast Shimizu fails to suggest the steps of independent claim 1, which includes collecting information about the usage of the memory card.

Claim 1 is patentable over Shimizu at least because Shimizu fails to disclose or suggest collecting information about the usage of the memory card. In support of the rejection of claim 1, the Office Action cites paragraph 15 of Shimizu, and specifically to the language “Usage information may be the number of times a website is accessed or the advertising usage disclosed therein.” The cited section of Shimizu, however, refers to website access or advertising usage, and says nothing about collecting information about the usage of a memory card. Thus, claim 1 is patentable over Shimizu at least because Shimizu fails to disclose or suggest a feature recited in claim 1.

Independent claim 16 is directed to a system for storing memory card usage information on a memory card, comprising a component for collecting information about usage of the memory card. As discussed above with respect to claim 1, Shimizu fails to disclose or suggest collecting information about the usage of a memory card. Thus, claim 16 is patentable over Shimizu for at least the same reasons as claim 1.

Independent claim 14 is directed to a data structure in a memory card. The data structure comprises computer readable storage containing at least one event descriptor about the usage of the memory card, and for each event descriptor a count representing the number of occurrences of that event. Shimizu fails to disclose a computer readable storage containing at least one event descriptor about the usage of the memory card. Thus, claim 14 is likewise patentable over Shimizu.

The dependent claims depend from either independent claim 1 or claim 14 and are allowable for at least the same reasons, as well as for patentable features recited therein. Accordingly, applicants submit that all of the pending claims, 1-16, are patentable over Shimizu and respectfully request that the rejection of claims 1-16 under 35 U.S.C. 102(e) be withdrawn.

Independent claims 17 and 23 are directed to methods clearly supported in the specification of the present patent application. Shimizu fails to disclose, teach, or suggest the recited limitation in these claims and the dependent claims depending from the respective independent claims.

Respectfully submitted,

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